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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,526	06/07/2000	Keiji Usuba	16869P-008300US	1152

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SINGH, DALZID E

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,526

Applicant(s)

USUBA ET AL.

Examiner

Dalzd Singh

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: claim 11, lines 16, recite, "cross connect unit *of* said clock unit". It appears that there is a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Kremer (US Patent No. 5,406,401).

Regarding claim 24, Kremer discloses network transmission system, shown in Fig. 1, comprising:

detecting said plurality of substantially contemporaneous faults by node itself that is experiencing said faults (it is inherent that the fault is detected by the node experiencing the fault);

preparing isolation information (i.e., switching information) into an instruction signal according to said plurality of substantially contemporaneous faults, wherein said node experiencing and detecting said faults prepares said isolation information itself

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(Kremer discloses request and acknowledgement for switching action, see col. 3, lines 1-20);

providing said isolation information to at least one of a plurality of adjacent network nodes (see col. 3, lines 1-20, the overhead signal containing isolation (switching) instruction is transmitted within the network comprising of nodes, see Fig. 1); and

switching said transmission lines based upon said instruction signal so that said synchronous multiplex signals may be transmitted to either of said transmission lines properly (see col. 4, lines 41-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kremer (US Patent No. 5,406,401) in view of Bala et al (US Patent No. 6,272,154).

Regarding claim 11, Kremer discloses network transmission system, shown in Fig. 1, comprising:

transmitters and receivers (Fig. 2 shows signal coming into the node and signal going out of the node, therefore there must be transmitter and receiver in the node to transmit and receive the signal);

cross connect unit (i.e., switch) which switches the output signal (see col. 3, lines 35-65);

equipment supervision unit (since fault is monitored, therefore there must be an equipment supervision unit to monitor condition of the lines); and

wherein responsive to detection of a condition in which obstacles (i.e., failure) have occurred in more than one group in at least either of said cross connect unit or said clock, said equipment supervision unit comprised in the transmission apparatus having said obstacles creates optical transmitter output isolation instruction information in order to isolate said transmission apparatus itself in which obstacles have occurred in more than one group in at least either of said cross connect unit or said clock unit, from said network (see col. 7, lines 67-68 to col. 8, lines 1-12, Kremer discloses isolation (squelching) of the node in the event of failure; it would have been obvious that there exist transmitter to output such instruction; furthermore, switching function of the cross connect can be considered as response to detection of a condition in which obstacles have occurred).

Kremer differ from this claim in that Kremer does not specifically disclose clock unit that supplies clock to the cross connect unit. However, Bala et al teach the use of clock for the cross connect unit (see col. 16, lines 52-55 and col. 18, lines 4-9). Since it is well known to use clock unit for cross connect, as evidenced by Bala et al, therefore it would have been obvious to provide clock unit for the cross connect of Kremer in order to control timing of the cross connect. The motivation of providing clock unit to the

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cross connect is to provide an accurate regulation of switching data signal to a different transmission lines.

Allowable Subject Matter

6. Claims 1-10 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS

January 23, 2006

Dalzid Singh